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lack of order in which they are arranged in the body of the work, without any arrangement either topical or alphabetical.

It is to be regretted that Mr. Atwell's expressed desire to lighten the labor of his fellow attorney and to point a way to the busy, painstaking lawyer has resulted in a work marred by so many indications that the author himself is very far from painstaking.

EVANS HOLBROOK.

CASES AND OTHER AUTHORITIES ON LEGAL ETHICS, by George P. Costigan, Jr., Professor of Law in Northwestern University. St. Paul: West Publishing Company, 1917.

This is one of the American Case Book series, and is the first attempt, so far as the reviewer is aware, to provide a selection of cases as the basis for a course of instruction in legal ethics.

The term "legal ethics" as commonly used, includes not only those rules and regulations which involve the *legal* obligations and relationships of the lawyer toward his client, the court and his brethren of the profession, and in some instances toward the public, but as well his *moral* obligation toward all these. In this latter phase the term is used with reference to the lawyer much as the term "medical ethics" is used with reference to the practitioner of medicine. A practitioner of medicine may be guilty of a breach of a rule of medical ethics and incur no legal responsibility on account of it. And so the lawyer may be guilty of violating some purely ethical regulation of his profession without affecting his *legal* relationships to his client, the court or his brethren.

Let one examine the "Canons of Legal Ethics" adopted by the American Bar Association and it will be quite apparent that a lawyer may fail in the observance of many of them and his legal status be unaffected. We are not surprised therefore, to note that the author seems to appreciate that any attempt to teach this subject in its full breadth from decided cases will develop serious difficulties. Courts do not attempt to decide cases by the application of *mere* rules of morals obtaining in any department of human relationships. It is only when such rules have crystallized in the body of our civil jurisprudence that the courts recognize their obligatory force. We do not find, therefore, in decided cases authority for determining what the lawyer ought or ought not to do, apart from his legal obligation to do, or to refrain from doing, a particular thing.

Because of this dual nature of the subject, certain phases being within the control of courts, and certain others outside their authority, our book is only in part a "case" book. There would seem to be no good reason why, if the course in this subject is to be given, it should not be given with a case book in so far as the strictly legal relationships of the lawyer are concerned, and the cases selected to develop the law in this field are well chosen. As a book to be used for the teaching of morals to the embryonic lawyer one might be pardoned for preferring the lessons he learned at, or on, mother's knee.

There is much in the book which lacks that interpretation which would

enable the student to orient himself in the subject. What is the student to get from the statement of Clarence Darrow in explanation of his connection with the McNamarra cases found on page 351, which will furnish him with a rule for the guidance of his professional conduct? Or is it intended that the student should adopt the moral philosophy of Samuel Johnson, quoted on pages 210 and 211, as a proper ethical code? Are these to be regarded as among the "authorities" by which the student is to be instructed or are they intended only as illustrations of "ethics" to be avoided? The author does not make himself clear. If these are chosen to provoke discussion they are well chosen. They are but illustrative of a considerable portion of the matter in the book.

One of the considerations justifying the publication of a "case-book" on any subject is utilitarian. Is there a need to be met? Having in mind the present limitations in time upon the law course, and the importance of the many courses in the substantive and procedural law, it is, to the mind of the reviewer, more than questionable whether there should be added a course in this subject of legal ethics, and particularly a course so extended as the character of Professor Costigan's book suggests.

VICTOR H. LANE.